REMARKS

Claims 1-12 are pending and under consideration in the above-identified application. Claims 13-24 were withdrawn pursuant to a restriction requirement dated May 29, 2008.

In the Office Action dated August 25, 2008, the Examiner rejected claims 1-12.

With this Amendment, claims 1, 4 10 and 11 were amended and claims 8 and 9 were cancelled. No new matter has been introduced as a result of the amendments.

I. Objection To Claims

The Examiner objected to claim 4 because it does not use acceptable Markush group language. In response, Applicant amended claim 4 per the Examiner's suggestion. Accordingly, the above objection is now moot. As such, Applicant respectfully requests the above rejection be withdrawn.

II. Double Patenting Rejection of Claims

Claims 1, 2 and 12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4 and 8 of copending application No. 2007 0270527. In response to this objection, Applicants reserve the right to file an appropriate Terminal Disclaimer upon the issuance of either this application or the copending application. Accordingly, Applicants respectfully request withdrawal of this rejection.

III. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-8 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamada et al. (JP 2003-192925, 2005/0143502 as English equivalent). Applicant respectfully traverses this rejection.

The claims require a resin compound that includes a flame retardant additive containing a hydroxide and a nitrogen oxide compound. The hydroxide and the nitrogen oxide compound act synergistically when high heat (500°C and above) is applied to the resin. Specification, page 19.

When the resin is heated, the nitrogen oxide compound yields nitrogen oxide based gases which react with the water generated by the heated hydroxide. *Id.* As a result, the biodegradable resins are converted to non-combustibles such as CO_2 or H_2O yielding higher flame retardant properties than if hydroxide is used by itself. *Id.*

Yamada et al. teaches a flame retardant compound that has a hydroxide as a flame retardant compound. Yamada et. al., however, fails to teach or even fairly suggest a flame retardant compound that includes a hydroxide and a nitrogen oxide compound as required by the claims. As such, Yamada et al. fails to teach or even fairly suggest all the requirements of the claims. Accordingly, the claims are patentable over the cited references. Thus, Applicants respectfully request that the above rejection be withdrawn.

IV. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada et al. in view of Yoshida (U.S. Patent Pub. 2002 0151631). Applicant respectfully traverses this rejection.

Yamada et al. specifically teaches flame retardant additives that impart a flame retardant characteristic by (i) absorbing heat generated by the burning of a resin, (ii) decomposition of ammonium phosphate to form a carbon film and polymetaphosphoric acid to shield oxygen and (iii) using silica, which has a inorganic filler effect on the resin. Yamada et al., paragraph [0009]. Yamada et al. fails to teach or even fairly suggest the reaction described above between nitrogen oxide compounds and hydroxide compounds to produce an enhanced flame retardant effect.

Yoshida teaches a nitrogen oxide as a flame retardant compound. Yoshida, Paragraph, [0009]. However, because Yamada et al. fails to teach or even fairly suggest a reaction similar to that between the hydroxide compounds and the nitrogen oxide compound as required by the

claims, it would not have been obvious to use nitrogen oxide as taught by Yoshida. As such, taken either singularly or in combination with each other, the cited references fail to teach or even fairly suggest all the requirements of the claims. Accordingly, the claims are patentable over the cited references. Thus, Applicants respectfully request that the above rejections be withdrawn.

V. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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